

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA,

*Plaintiff-
Appellant,*

v.

DTE ENERGY CO., *et al.*,

*Defendants-
Appellees.*

No. 14-2274

**CONSENT MOTION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF**

Plaintiff-Appellant United States moves for a 15-day extension of time to file its reply brief. The reply brief is currently due on March 19, 2015; the United States seeks an extension to April 3, 2015. This appeal is consolidated for submission with No. 14-2275, and plaintiff-appellant there is filing a separate motion to file its reply brief on the same date. Defendants-Appellees consent to the requested extension of time.

The extension is needed due to the complexity of the matter, the government's review process, and my other professional obligations. The government's review process frequently makes it necessary to obtain an extension to file its reply briefs, and that is particularly true here due to the complex nature of the legal regime at issue and the fact that DTE has leave to file an oversized brief of 21,000 words. The reply brief must be reviewed by attorneys in both the Environmental

Protection Agency and the Department of Justice, followed by senior management review at both agencies. In addition, while the undersigned counsel will prioritize this matter, I have other obligations during the period that will require attention, including seeking judicial approval of a consent decree in *United States v. Soo Line Railroad Co.* (W.D. Wis.) and traveling for a long-scheduled meeting with client agency representatives.

For these reasons, the United States will not have adequate time to prepare the reply brief in this matter absent the requested extension to April 3, 2015.

Dated: February 20, 2015

Respectfully submitted,

/s/ Thomas A. Benson

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CERTIFICATE OF SERVICE

Pursuant to Rule 25 of the Federal Rules of Appellate Procedure, I hereby certify that, on this 20th day of February, 2015, I electronically filed the foregoing Consent Motion for Extension of Time to File Reply Brief with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit through the Court's CM/ECF system. All registered CM/ECF users will be served by the Court's CM/ECF system.

/s/ Thomas A. Benson

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